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Arabic version

Increasing Women's Participation in Local Councils

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This research paper is a contribution made by the participant Ibrahim Heggi at the end of the “Policy Dialogue Capacity Building” course as part of the “Med Dialogue for Rights and Equality” programme. This paper addresses the problem of women's participation in local councils in Egypt by reviewing the policies and laws that regulate this participation as well as presenting various opportunities and challenges to enhance it. Towards the end of the paper, there is a reference to several proposed solutions related to laws, policies, and procedures followed by the government, councils, and civil society organisations to increase women's participation in local decision-making.

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This contribution is within the framework of the Med Dialogue Programme's publication of contributions made by five participants at the end of the “Policy Dialogue Capacity Building” course. This course is focused on experiences of policy dialogues, assessment of opportunities and constraints, as well as, mapping analysis of policy dialogue cases in the Mediterranean countries on the theme of economic and social inequality together with democracy and local governance.

*Note: These contributions do not necessarily reflect the opinion of the programme, but rather express the views of the participants.



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Introduction

Local councils are considered one of the most important tools of democracy, especially in terms of decentralisation. Modern jurisprudence agreed on defining administrative decentralisation as a type of administrative organisation of a unified state based on the transfer of administrative powers from the central state to local units directly elected by the people and they hold administrative and financial independence.

These local councils are means to achieve development and expand the adoption of democracy at the local level; they also help to bring the state and its citizens closer. Besides, municipalities and local government bodies allow citizens to express their needs and aspirations, to develop effective strategies to confront the problems that they face and that affect them, in addition to managing state resources.

Moreover, Egypt faces great challenges to achieve this goal, the most important of which is the lack of the participation of women - who represent half of society with a percentage of 48.5% - in decision-making positions. Women's political participation and representation are still limited in the local councils, most of the executive and representative bodies, and even civil society. This lack of representation has been creating an imbalance in achieving equal participation between Women and men, which is fundamental to achieving democracy.

Given **the complexities** of this problem, we find a large qualitative gap in favor of men regarding the percentages of women's representation in local councils. Eliminating this gap and achieving gender equality requires a set of measures, including creating a policy dialogue that allows reviewing all existing laws and approving public policies from a gender perspective which includes specific measures to achieve equal opportunities in the localities sector. **From a legal perspective**, the lack of women's representation is due to the absence of legislation regulating the process of local council elections. As stated in Article 180 of the 2014 constitution. This article allocates a quarter of the seats for women and sets rules and mechanisms that protect the quota from circumventing it and its seats so that society can reap the fruits of the constitutional text. In addition to the prevailing patriarchal culture that places women in traditional frameworks, and is devoted to discrimination against them in occupying leadership positions, in violation of Articles 11 and 53 of the Egyptian Constitution, and in preventing them from reaching decision-making positions. In addition to the Personal Status Law No. 25 of 1920 with its amendments in 1985, 2000, and 2005, and the Personal Status Bill for 2021 submitted by the Egyptian government to Parliament, the articles of which represent an unprecedented regression and curtailment of women's rights.

There is no doubt that the previous attempts to involve women in local governance were ambitious, especially since they came a few years after the abolition of the monarchy in Egypt and the participation of women in 1957 in the National Union organisations¹ through the special committees of neighborhoods, chiefdoms, and provincial committees, as well as women's right to vote and run for parliament. However, It was limited and was not accompanied by cultural programmes to correct

¹The formation of the national union <https://bit.ly/36M6nQS>



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societal concepts inherited through generations, coming from religious discourse and patriarchal culture that dominates society, which affected women's effective participation in the public sphere. Also, the unstoppable current attempts demanding the right of women in local councils are good as a matter of course and they prompted the issuance of constitutional articles such as Articles 45, 46 and 202 of the 2014 Constitution, as well as Article 198 of 2017, which are laws that exercise political rights, parliament, district division, and the electoral commission. However, they still need further revisions because they still hinder women's participation in voting, elections, and supervision of the electoral process, and do not guarantee fair representation of women and their issues.

Define the problem and the policies governing it

The problem and its impact on the local community

The limited role of the local grassroot councils over the past decades, the ineffectiveness of the available accountability tools, and the absence of the authority to issue binding decisions to the executive bodies, have resulted in the citizens' lack of understanding of their real role, which significantly weakened the participation not only of women but of the largest sector of citizens, especially with the high illiteracy rate. -The illiteracy rate among Egyptian women is 37%², which is much higher than that of men- hence it increases their deprivation of social and economic rights and thus reduces their chances of exercising their constitutional rights. There are many reasons and obstacles for the limited role of local councils, such as the lack of control over the implementation of the regulations and laws regulating it, which opens the door to financial and administrative corruption, and this of course affects public services causing problems such as that of garbage and the spread of diseases, sanitation, and slums. Also, the absence of legislation regulating local council elections, their formation, and their work, which leads to circumventing women's participation in localities, exercising discrimination against them, and detracting their political rights.

Applicable State Policy

The system has always been captive to the problem of the central state and the concept of democracy, as mentioned in the introduction. The central state in Egypt has taken on in many occasions the meaning of the dominant or controlling state, while the local system requires a degree of independence for the different regions, which reflects the developmental needs of local systems and increases their effectiveness to involve citizens, specifically, women to express their issues. Also, that relationship between the local system and the center should be characterised by a great deal of democracy, in addition to the fact that half of the society should not be isolated from the participation in improving economic and social conditions, but rather the participation of all its components at their various levels through policies that support gender equality.

The available information and evidence related to the problem

First of all, it should be noted that the last local council elections were in 2008, and women represented less than 5%³, which is a very small percentage compared with the size of the presence of women - to name but a few - in economic activities within the Egyptian society.

²The illiteracy rate among women in Egypt <https://bit.ly/3zMoEJQ>

³ Percentage of women seats in the 2008 local elections <https://bit.ly/2WK8Fhj>



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After the January 2011 revolution, the Supreme Council of the Armed Forces - the ruling authority back then - issued Decree-Law No. 116 of 2011, dissolving local councils and forming temporary ones, that are still valid despite ten years having passed. Even after the issuance of the Egyptian Constitution in 2014, which stipulated in Article⁴ No. 208 of the system of governance: “The National Elections Authority shall be an independent body, exclusively responsible for managing referendums, and presidential, parliamentary, and local elections, starting with preparing and updating the voter database, and proposing the division of constituencies, defining the controls for advertising and financing, electoral spending, announcing it, controlling it, and other procedures until the result is announced, all in the manner regulated by law.” This article has remained without activation, due to the requirement of supervision from the National Elections Authority, which was not yet formed. Moreover, the current Egyptian president issued a republican decision to form the Board of Directors of the Elections Authority in October 2017 - and in this context, we must emphasise the provisions of the Egyptian constitution, Article 242 of the 2014⁵ constitution states: “The existing local administration system remains valid until the system stipulated in the constitution is gradually implemented within five years from the date of its entry into force.” This means that the local elections should have been completed by 2019 at the latest, which has not happened yet.

The 2014 constitution included a number of articles that represented a good opportunity to enhance women’s political participation and access to decision-making positions. Article 9 obligated the state to achieve equal opportunities for all citizens, and Article 53 criminalised discrimination in all its forms, and any discriminatory practice became a punishable crime. Article 11 also stipulates the need for the state to take measures and actions to address discrimination against women regarding holding leadership and public positions as well as assuming positions in judicial bodies. It obligated it to implement procedures that allow women to be adequately represented in the parliament but left it to the legislature to organise it without stipulating constitutional guarantees to be bound by.

Then Article 180 came into action to be one of the most important gains in favor of women in the 2014 constitution, which is concerned with the local administration system, as it laid down clearer steps by allocating a percentage of seats for women and stipulated that “each local unit elects a council by direct secret ballot, for a period of four years: The candidate must be at least twenty-one Gregorian years of age, and the law regulates other conditions for candidacy and election procedures, provided that a quarter of the seats are allocated to youth under the age of thirty-five, and a quarter of the number to women...” “The local councils are responsible for following up on the implementation of the development plan, monitoring the various aspects of activity, exercising the tools of control over the executive authority, such as suggestions, directing questions, briefing requests, interrogations, etc., and withdrawing confidence from the heads of local units, as regulated by law. The law defines the competencies of other local councils, their financial resources, and the guarantees of their members and its independence”⁶.

Egyptian legislation and international conventions and treaties

Article 93 of the 2014 Constitution obligates the legislator with the need for the legislations and laws to be consistent with international conventions, covenants, and charters of human rights ratified by successive Egyptian governments. Egypt has ratified a number of conventions such as the 1948 Universal Declaration of Human Rights, which Egypt participated in drafting as a founding member of

⁴Article 208 of the Egyptian Constitution 2014 <https://bit.ly/2WwgwPa>

⁵ Article 242 of the Egyptian Constitution 2014 <https://bit.ly/3A0IBgd>

⁶ Article 180 of the Egyptian Constitution 2014 <https://bit.ly/2V9kw7R>



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the United Nations, in addition to the International Covenants on Political and Civil Rights, as well as the Economic, Social and Cultural Rights 1966, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1980⁷ together with The 1990 Convention on the Rights of the Child, the 1993 Universal Declaration on the Elimination of Violence against Women and the 1995 Beijing Declaration and Platform for Action for Women.

Despite Egypt's ratification of many international conventions and covenants guaranteeing women's civil, political and social rights, the way the Egyptian state implements these provisions and how seriously it is in activating these entitlements for women is still deficient besides the fact that many policies and frameworks to protect women and their rights are still absent.

Available indicators to measure women's empowerment in local positions

There are quantitative and qualitative indicators to measure women's empowerment in local positions, such as the percentage of women candidates in local council elections out of the total number of candidates, the percentage allocated primarily to women's representation in local councils, the percentage of media programmes supporting women candidates together with television debates, as well as the number of natural leaders supporting the stage of raising families' awareness and the percentage of women in local leadership positions such as a governor or a general secretary – a village chief – a city chief – a neighborhood chief – a mayor. Additionally, qualitative indicators such as the extent to which women candidates are aware of local needs, legal and legislative aspects, and political framework; besides, the extent of their interaction with the community and the adoption of its issues, the extent of their familiarity with the electoral method of the localities, the availability of electronic information on the administrative division of local levels and the extent to which the local development law is compatible with gender needs. This information can be accessed through "The Egyptian Women's Observatory", which was established by the National Council for Women, General Mobilisation and Statistics Agency, Reports and studies issued by civil society organisations concerned with women's rights as well as through statistics classified according to gender issued by the National Council for Women and the General Mobilisation and Statistics Agency⁸.

About Opportunities and constraints

There is no doubt that state institutions concerned with women's rights, such as the National Council for Women and all its branches in the governorates, and in the local development sector, such as the Ministry of Local Development and other institutions, are the most concerned with the problem at hand, and they are the main parties with whom a dialogue must be conducted. Many people working in these institutions were Within the 50-member committee that wrote the constitution, such as Ambassador Mervat Al-Talawi, former Secretary-General of the National Council for Women. The 2014 constitution legislation has paved in a number of its sections and articles a real opportunity for women to participate in executive positions such as local councils - which counts for many of those involved in its legislation, along with the struggle of the feminist, human rights and progressive movement in Egypt -. However, the function of the constitution is to set general rules and, therefore, **need to be activated** and translated into legislation regulating it.

The position of these institutions can be evaluated in three problems that prevent the fulfillment of the articles of the constitution, which are:

⁷Egypt made reservations when ratifying Article 16 and Article 29 of the Convention due to their conflict with Islamic Sharia or national sovereignty <https://bit.ly/2TQCcoo>

⁸Harvest bulletins of the National Council for Women <https://bit.ly/2YRZoRT>



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First: the issuance of legislation that empties the text of its content executed by leaving a space of freedom for bodies affiliated with the executive authority such as the security services to regulate matters related to the implementation of the law, which allows these bodies to set regulations that enable them to empty the legislative and constitutional text from its content, especially laws concerned with the participation of women in localities and executive positions. Second: The executive authority of the Legislative Council presents legislation while being well aware of its unconstitutionality, so it falls before the constitutional courts for its invalidity, and thus evades the responsibility of implementing it, an example of that is the invalidity of a number of legislative councils with laws that applied **the proportional list** and gave women the right to representation through quotas⁹. Third: The Legislative Council, either at the behest of the government or the security services - which has a conservative "male" composition - ignores the translation of the texts of the constitution into legislation such as the local councils' law that has not been issued up to the date of writing this paper, as well as the law establishing the discrimination commission that came in Article 53 of the 2014 constitution.

Civil society organisations

Despite the lack of effective civil society organisations in the field of supporting women's political participation, due to the law of civil associations that prohibit the work of civil associations in politics, there are many women's organisations that support women's political participation. With the increase and importance of their efforts, they remain bounded by their limited number, their capabilities, and above all the restrictions they face and obstruction of the implementation of their programmes through arbitrary laws, and restricting access to funding sources.

Still, We can say that civil society organisations have opportunities that can potentially be beneficial, such as the Czech experience, specifically the 50%¹⁰ Forum, a non-governmental organisation established in 2004 without belonging to any political party, with the aim of supporting women in playing a political role from the perspective of gender equality, and encouraging voting for women by working at the grassroots level using extensive media campaigns as well as forming a lobby with other organisations and national bodies in the Czech state, to defend women's rights¹¹.

Convergence points and suggested solutions

No one can deny that discrimination between women and men is a worldwide phenomenon with varying degrees, there is also a global trend indicating a decline in women's participation in local politics, which is the main disagreement. At the level of the dynamism of Egyptian local councils, supporting women's participation in localities requires interventions at the level of both official and unofficial local policies. Undoubtedly, both types of interventions are inseparable from one another. Both aim to build local women's cadres capable of political and civic participation whether in official local councils or local civil society organisations.

- As mentioned before, the 2014 constitution represents good opportunities in terms of providing a constitutional framework that guarantees effective and efficient local policies. The state guarantees in Article 176 support for administrative, financial, and economic decentralisation. The law also regulates the means to enable administrative units to provide local facilities, and defines the time frame for transferring powers and budgets to local administration units. However, the

⁹ The unconstitutionality of the absolute lists <https://bit.ly/3leeCNB>

¹⁰ Forum 50% - Czech Republic <https://bit.ly/3lm9uXT>

¹¹ Adly et al. - Women's political participation, FES, the most important reference for the paper <https://bit.ly/3jnS2PF>



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decentralisation opportunity that exists in the 2014 constitution is contingent on the issuance of a local administrative law that will achieve it on the ground.

- The second opportunity in the text of Article 180 states the need to allocate 25% of the seats in the local grassroots council for women. In order to activate this article, the current parliament must work on issuing legislation that guarantees the representation of the aforementioned groups and at the same time stops defrauding the merging of that percentage with other groups that the constitution obliges to enable, such as people with special needs, youth or Christians, by adjusting their definitions in the legislation as well as clearly stipulating the prohibition of repeating it in the electoral lists until this constitutional percentage is maintained.
- The process of benefiting from these laws is linked to an essential matter, which is to expand the concept of local policies beyond the mere participation of women in local councils to the basic participation of women in managing their communities, specifically basic services that intersect on a daily basis with the paths of their lives and their families, whether health, education, training or other aspects .
- Overcoming the constraints imposed by cultural dimensions by working with broader sectors of women in rural areas and marginalised communities; besides, dealing more seriously with the problems of poverty, violence, discrimination, and unfair cultural practices as well as encouraging local initiatives in small projects and cultural creations for women. There is an urgent need for change to come from below, and for cultural and social work to stem from the base.
- Preparing women cadres by taking several positive discrimination measures that help their participation in all fields be it work, education, or other aspects, for a specific period until the goal of positive discrimination is achieved, which is the ability of this category to enter the arena of competition with all other groups of society on the basis of merit and competence.
- Raising the confidence of the Egyptian society in the capabilities and competence of Egyptian women and their ability to assume various positions by changing the culture that governs the perceptions of Egyptians which boosts the capabilities of men at the expense of women. This can be achieved by highlighting successful female role models in Egypt.
- Non-governmental organisations should open greater channels of dialogue with national institutions in order to form alliances at the points of convergence between the two parties; thus, these alliances can pressure to influence the legislative and executive authority to adopt national strategies and public policies to integrate gender equality issues in all fields and at all levels. Additionally, networking and benefiting from the experiences of each party through exchanging information and coordinating the activities that took place in a specific area as well as extending them so that the same activities are not repeated.